

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORKATTORNEY: RIKER DANZIG
SCHERER HYLAND &
PERRETTI LLP

SOVEREIGN BANK

Plaintiff(s),

Index No. 10-8967 (NRB)

Filing Date: November 30, 2010

-against-

NUBIAN REALTY, LLC, NUBIAN PROPERTIES, LLC,
RICHELIEU W. DENNIS, NYEMA S. TUBMAN, DIANE
NICHOLAS, NUBIAN HERITAGE DIRECT LLC, NUBIAN
HERITAGE OF HARLEM LLC, THE NATIONAL BLACK
THEATRE WORKSHOP INC., HARLEM APPLE, LLC, NEW
YORK CITY TRANSIT ADJUDICATION BUREAU, STATE
OF NEW YORK DEPARTMENT OF TAXATION AND
FINANCE, NEW YORK CITY DEPARTMENT OF
TRANSPORTATION, NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD, NEW YORK CITY DEPARTMENT OF
FINANCE, THYSSENKRUPP ELEVATOR COMPANY and
JOHN DOE # 1 through JOHN DOE # 10 inclusive,

AFFIDAVIT OF SERVICE

Defendant(s), X

STATE OF NEW YORK, COUNTY OF QUEENS ss: The undersigned, being duly sworn, deposes and says; deponent is not a party to this action, is over 18 years of age and resides at JAMAICA, NY 11435.
That on FEBRUARY 03, 2011 at 2:20 P.M., at 2023-2037 FIFTH AVENUE A/K/A 5 EAST 125TH STREET, NEW YORK, NY 10035 deponent served the within SUMMONS, VERIFIED COMPLAINT, AND DISCLOSURE STATEMENT bearing Index # 10-8967 (NRB), filed on November 30, 2010 on NICHOLAS VARIETY INC., S/H/A "JOHN DOE # 1" the above defendant therein named.

INDIVIDUAL

1 ☐ by delivering a true copy to said defendant personally; deponent knew the person served to be the person described as said defendant therein.

BUSINESS CORPORATION

2 ☒ a domestic business corporation, by delivering thereat a true copy to NICHOLAS "SMITH" personally, deponent knew said business corporation so served to be the business corporation described in said summons as said defendant and knew said individual to be OWNER and individual authorized to accept service thereof.

SUITABLE AGE PERSON

3 ☐ by delivering thereat a true copy to _____ a person of suitable age and discretion. Said premise is defendant's - actual place of business - dwelling place - usual place of abode - within the state.

AFFIXING TO DOOR, ETC.

4 ☐ by affixing a true copy to the door of said premises, which is defendant's - actual place of business - dwelling place - usual place of abode - within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

DESCRIPTION

USE WITH

1, 2, OR 3

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 lbs
<input type="checkbox"/> Female	<input checked="" type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs	<input checked="" type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 lbs
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input checked="" type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 lbs.
	<input type="checkbox"/> Brown Skin	<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.

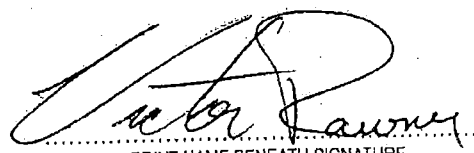
Other identifying features: Refused to provide last name

MILITARY
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on the
14 day of February, 2011

MELISSA HAINEX
Notary Public - State of New York
No. 01HA6165654
Qualified in Suffolk County
My Commission Expires May 14, 2011


PRINT NAME BENEATH SIGNATURE
VICTOR RAWNER
License # 1192048